

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/21/2016 6:26:36 PM  
**To:** Karakitsos, Dimitri (EPW) [Dimitri\_Karakitsos@epw.senate.gov]  
**CC:** Jackson, Ryan (Inhofe) [Ryan\_Jackson@inhofe.senate.gov]  
**Subject:** Sen. Inhofe TSCA TA on 10 work plan chemicals

Dimitri,

This TA responds to the request on the 10 workplan chemicals issue.

The nature of the changes depends on what you are trying to achieve.

If the intent is simply that only 10 identified work plan chemicals be exempted from pause preemption then no change to the 5/20 HLC draft is needed. Section 6(b)(2)(A) (page 40 line 24) currently provides that EPA shall conduct risk evaluations on "at least 10 chemical substances." Section 18(b)(1) (page 129 lines 22-23 of that draft) exempts the "first 10 chemical substances so identified" from the pause. The intersection of those two provisions is exactly 10 chemicals. EPA may identify more, but only 10 are exempt from the pause.

If, however, the intention is to limit the number of chemical substances EPA may identify to only 10, as well as to ensure that the exclusion from pause preemption applies to only 10 chemicals, then changes to both section (6)(b)(2)(A) and section 18(b)(1) are needed. The words "at least" should be stricken from line 24 of page 40 in section 6(b)(2)(A) and replaced by another word, such as "exactly" or "precisely". Alternatively, "at least" could be stricken and the phrase ", and no more than 10," could be added after the "10" that is currently there so it would read "conducted on 10, and no more than 10, chemical substances". If a change like that is made, then section 18(b)(1) should be changed as well since the reference to the "first 10" no longer makes sense, as EPA clearly is not authorized to identify any number other than 10. The simplest change would be to strike the word "first" so section 18(b)(1) would exclude from pause preemption the "10 chemical substances so identified".

Please let me know if any additional questions. Thanks,

Sven

On May 21, 2016, at 1:09 PM, Karakitsos, Dimitri (EPW) <[Dimitri\\_Karakitsos@epw.senate.gov](mailto:Dimitri_Karakitsos@epw.senate.gov)> wrote:

Sven,

We wanted to reach out directly on this since it is such an important part of the bipartisan/bicameral deal we reached this week. Our goal is to ensure that both sides get exactly what was negotiated and as you can imagine we all are concerned about unintended consequences.

What we would like is your thoughts on how best to ensure that the first ten, but only the first ten chemicals epa reviews are exempted from the work place.

I know some language has been floating around on changes in both section 6 and 18 - do you all believe in order to ensure that only ten chemicals are exempted from pause the change in 6 is necessary?

Any help or suggestions would be much appreciated.

Thanks

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/12/2016 11:31:13 PM  
**To:** Black, Jonathan (Tom Udall) [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** Re: McCarthy views on house/senate tsca bills

Oddly, the never mind note arrived ahead of the request. Let me know if anything needed. Thanks,  
Sven

On May 12, 2016, at 7:28 PM, Black, Jonathan (Tom Udall) <[Jonathan\\_Black@tomudall.senate.gov](mailto:Jonathan_Black@tomudall.senate.gov)> wrote:

Nvmd. Found it!

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** [Jonathan\\_Black@tomudall.senate.gov](mailto:Jonathan_Black@tomudall.senate.gov)  
**Sent:** Thursday, May 12, 2016 7:25 PM  
**To:** Kaiser, Sven-Erik; Adam Zipkin (Booker)  
**Subject:** McCarthy views on house/senate tsca bills

Sven, do you have the epa letter handy that listed views of the administration on the house and senate tsca bills?

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/21/2016 6:09:21 PM  
**To:** Freedhoff, Michal (Markey) [Michal\_Freedhoff@markey.senate.gov]  
**CC:** Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fd3eb96e8b78-Distefano,]  
**Subject:** Sen. Markey TSCA TA followup request on Technicals -EPA Comments

Michal-

This TA responds to the followup request on #6 of the technical comments.

You could instead say: "that satisfies the criteria of subsections (a) and (c)."

Note that, if you cannot get a change along these lines, our technical recommendation would be to leave the language on p 109, lines 11-12 of the May 20 Rules Committee Print ("information described in subsection (a)") as is. The information "described in subsection (a)" is information that is submitted to EPA under the Act and that meets the requirements of subsection (c). So, the requirement to meet the requirements of subsection (c) is already incorporated into the phrase "described in subsection (a)", and EPA does not believe any changes to that language are necessary to ensure compliance with (a) and (c). In contrast, information that is "subject to subsections (a) and (c)" would apparently include any information submitted to EPA under the Act, whether or not it complies with the requirements of subsection (c).

Please let me know if any additional questions. Thanks,  
Sven

On May 21, 2016, at 12:48 PM, Freedhoff, Michal (Markey) <Michal\_Freedhoff@markey.senate.gov> wrote:

Your comment on #6 is tough for us because HLC consistently has refused to make the "requirements" change. Is there some other way you can suggest we draft this?

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight and Investigations  
Office of Senator Edward J. Markey (D-MA)

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**From:** Kaiser, Sven-Erik  
**Sent:** Saturday, May 21, 2016 12:04 PM  
**To:** Freedhoff, Michal (Markey); Distefano, Nichole  
**Subject:** Fwd: Technicals EPA Comments

Michal,

Please see EPA comments on your technicals doc. Please let me know if any questions. Thanks,  
Sven

**From:** "Freedhoff, Michal (Markey)" <Michal\_Freedhoff@markey.senate.gov>  
**Date:** May 20, 2016 at 10:18:20 PM EDT  
**To:** "Sven-Erik Kaiser (Kaiser.Sven-Erik@epamail.epa.gov)" <Kaiser.Sven-Erik@epamail.epa.gov>, "Distefano, Nichole" <DiStefano.Nichole@epa.gov>  
**Subject:** FW: Technicals.docx

Pls take a look and let me know if there are any issues.

Thx

m

Michal Ilana Freedhoff, Ph.D.

Director of Oversight & Investigations

Office of Senator Edward J. Markey

255 Dirksen Senate Office Building

Washington, DC 20510

202-224-2742

**Connect with Senator Markey**

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/21/2016 3:13:59 PM  
**To:** Richards, Tina [Tina.Richards@mail.house.gov]  
**CC:** McCarthy, David [David.McCarthy@mail.house.gov]; Andres, Gary [Gary.Andres@mail.house.gov]; Couri, Jerry [JerryCouri@mail.house.gov]  
**Subject:** HEC TSCA TA on 6(b)(2)(A)

Tina, This responds to the TA request on 6(b)(2)(A).

Regarding 6(b)(2)(A), based on the most recent drafts, we confirm it is EPA's intention to start risk evaluations on 10 workplan chemicals in the initial 180 day period.

Please let me know if any additional questions. Thanks,  
Sven

On May 21, 2016, at 10:15 AM, Richards, Tina <Tina.Richards@mail.house.gov> wrote:

Just wanted to let you know that's time is of the essence on the question we posed about how many WP chemicals EPA would likely start risk evaluations on in the first 180 days. Thanks again!!

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/11/2016 7:03:52 PM  
**To:** 'Black, Jonathan (Tom Udall)' [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** Sen. Udall TSCA TA Request on Carmine 3.0 (5-11)

Jonathan - got it - checking. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

-----Original Message-----

From: Black, Jonathan (Tom Udall) [mailto:Jonathan\_Black@tomudall.senate.gov]  
Sent: Wednesday, May 11, 2016 3:01 PM  
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
Subject: Emailing: Carmine 3.0

Sven,

Attached is a version of the House-Senate bipartisan discussions that we have been keeping track of through SLC.

We don't anticipate having to use this, but I wanted to see if EPA could do a quick review of it to ensure that there are no red flags.

It should all look very familiar to you, but mostly with different formatting.

Thanks,  
---Jonathan

Your message is ready to be sent with the following file or link attachments:

Carmine 3.0

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/21/2016 1:51:44 PM  
**To:** Richards, Tina [Tina.Richards@mail.house.gov]  
**Subject:** Re: Finishing TSCA

Tina,  
Is that the right number? I called and got a recording. I'm at [Ex. 6 - Personal Privacy] Thanks,  
Sven

On May 21, 2016, at 9:47 AM, Richards, Tina <Tina.Richards@mail.house.gov> wrote:

Can you please call me at [Ex. 6 - Personal Privacy] and I will dial Dave in

On May 21, 2016, at 9:46 AM, Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov> wrote:

Tina, thanks for forwarding. EPA folks are working on it today. I'll get you a better sense of ETA as the day proceeds. Thanks,  
Sven

On May 21, 2016, at 9:35 AM, Richards, Tina <Tina.Richards@mail.house.gov> wrote:

Gary and Mary Frances asked that we send this to you so you understand the time constraints we are working under for finishing the text.

Do you have a sense of what EPA might have in terms of TA/technical edits?

Begin forwarded message:

**From:** "Andres, Gary" <Gary.Andres@mail.house.gov>  
**Date:** May 21, 2016 at 8:50:14 AM EDT  
**To:** "Repko, Mary Frances" <Mary.Frances.Repko@mail.house.gov>, "DeGraff, Kenneth" <kenneth.degraff@mail.house.gov>, "Carroll, Jeff" <Jeff.Carroll@mail.house.gov>, "Brown, Maryam" <Maryam.Brown@mail.house.gov>, Ryan Jackson <ryan\_jackson@inchofe.senate.gov>  
**Cc:** "McCarthy, David" <David.McCarthy@mail.house.gov>, "Richards, Tina" <Tina.Richards@mail.house.gov>, "Couri, Jerry" <JerryCouri@mail.house.gov>, "Sarley, Chris" <Chris.Sarley@mail.house.gov>, "Bloomquist, Mike" <Mike.Bloomquist@mail.house.gov>, "Kielty, Peter" <Peter.Kielty@mail.house.gov>, "Christian, Karen" <Karen.Christian@mail.house.gov>  
**Subject:** Finishing TSCA

Good morning everyone. And thank you for all of your help and cooperation in getting the TSCA legislation to this point. Working backwards from our 10 am deadline to file a technical change amendment, I would like to propose that we receive any further technical changes by noon on Sunday. We will circulate a list of the proposed changes early Sunday afternoon and get legislative counsel to



draft the amendment.

Mr. Hoyer and Chairman Upton spoke twice yesterday and are in agreement that any further changes to the Thursday text are either things everyone has agreed to or are technical in nature. I think there are some things that have been proposed that one side or the other believes are "non-technical" and we will circulate those items, including the proposed disposition of those items on Sunday afternoon.

This should get us to a place to post a bipartisan, technical amendment by 10 am on Monday.

The only remaining item I am aware of is the final language on the 10 work plan chemical proposal. Tina from our staff will circulate the proposed text on that as soon as we get it from legislative counsel and my hope is it will reflect the agreement everyone is comfortable with.

Thanks again everyone for your help on this.

One last thing, I am having trouble getting Bettina's email to pop up on my server list and wanted to include her on this email. Ryan, could you please forward to her. Thanks.

Best,

Gary

Majority Staff Director  
House Energy and Commerce Committee

Message

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**Sent:** 5/21/2016 1:46:44 PM  
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**CC:** Andres, Gary [Gary.Andres@mail.house.gov]; McCarthy, David [David.McCarthy@mail.house.gov]; Couri, Jerry [JerryCouri@mail.house.gov]  
**Subject:** Re: Finishing TSCA

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**Date:** May 21, 2016 at 8:50:14 AM EDT  
**To:** "Repko, Mary Frances" <Mary.Frances.Repko@mail.house.gov>, "DeGraff, Kenneth" <kenneth.degraff@mail.house.gov>, "Carroll, Jeff" <Jeff.Carroll@mail.house.gov>, "Brown, Maryam" <Maryam.Brown@mail.house.gov>, Ryan Jackson <ryan\_jackson@inhofe.senate.gov>  
**Cc:** "McCarthy, David" <David.McCarthy@mail.house.gov>, "Richards, Tina" <Tina.Richards@mail.house.gov>, "Couri, Jerry" <JerryCouri@mail.house.gov>, "Sarley, Chris" <Chris.Sarley@mail.house.gov>, "Bloomquist, Mike" <Mike.Bloomquist@mail.house.gov>, "Kielty, Peter" <Peter.Kielty@mail.house.gov>, "Christian, Karen" <Karen.Christian@mail.house.gov>  
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Majority Staff Director  
House Energy and Commerce Committee

Message

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**Sent:** 6/28/2016 4:28:38 PM  
**To:** Freedhoff, Michal (Markey) [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** Sen. Markey Briefing on PCBs

Michal,

I'm working on getting folks together for a PCBs call for Thurs afternoon, perhaps 3:30 or later. Tom Fox of SEPW expanded his briefing request beyond Malibu schools to a wider range of PCBs and schools issues. I'm thinking it would efficient to combine these into one call. Ok? Thanks,  
Sven

On Jun 28, 2016, at 12:18 PM, Freedhoff, Michal (Markey) <[Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)> wrote:

Ok - thanks

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
Office of Senator Edward J. Markey  
255 Dirksen Senate Office Building  
Washington, DC 20510  
202-224-2742

Connect with Senator Markey

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**From:** Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]  
**Sent:** Tuesday, June 28, 2016 12:18 PM  
**To:** Freedhoff, Michal (Markey)  
**Subject:** Re: quick q

Michal- Given the range of work underway, I would suggest signing up for the email list. I'll continue to send out notifications of key developments and of course you will be on my TSCA list. That way you'll get it all. Thanks,  
Sven

On Jun 28, 2016, at 12:12 PM, Freedhoff, Michal (Markey) <[Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)> wrote:

I was just looking thru your tsca webpage and seeing a bunch of ways folks can get updates emailed to them. should I sign up for that, or do you have a separate hill communications plan?

Thx  
m

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
Office of Senator Edward J. Markey  
255 Dirksen Senate Office Building  
Washington, DC 20510  
202-224-2742

**Connect with Senator Markey**

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Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 6/28/2016 4:17:46 PM  
**To:** Freedhoff, Michal (Markey) [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** Re: quick q

Michal- Given the range of work underway, I would suggest signing up for the email list. I'll continue to send out notifications of key developments and of course you will be on my TSCA list. That way you'll get it all. Thanks, Sven

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I was just looking thru your tsca webpage and seeing a bunch of ways folks can get updates emailed to them. should I sign up for that, or do you have a separate hill communications plan?

Thx  
m

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
Office of Senator Edward J. Markey  
255 Dirksen Senate Office Building  
Washington, DC 20510  
202-224-2742

Connect with Senator Markey  
<image001.png><image002.png><image003.png><image004.jpg>

Message

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**Sent:** 2/18/2016 3:39:04 PM  
**To:** Michal Freedhoff [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** Sen. Markey TSCA TA request - House section 6(b)

Michal,

This responds to your TA request on House section 6(b). We issued a data needs assessment for the brominated phthalates flame retardant cluster for this reason. We expect there will be other examples going forward.

Please let me know if any additional questions. Thanks,  
Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

. **From:** "Freedhoff, Michal (Markey)" <Michal\_Freedhoff@markey.senate.gov>

**Date:** February 13, 2016 at 9:50:09 AM EST

**To:** "Kaiser, Sven-Erik" <Kaiser.Sven-Erik@epa.gov>

**Subject:** TA request - House section 6(b)

Sven

Are there any workplan chemicals that could not meet the 6(b) risk finding without additional testing/information? I know House 6 does not require it to be made for workplan chemicals - I'm just asking because alternative formulations that do require it to be made are being discussed.

Thanks

Michal

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight and Investigations  
Office of Senator Edward J. Markey (D-MA)



Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 2/17/2016 7:48:34 PM  
**To:** 'Karakitsos, Dimitri (EPW)' [Dimitri\_Karakitsos@epw.senate.gov]  
**Subject:** RE: SEPW TSCA budget request

Dimitri – FY2016 Pres Bud request for CRRR was \$56,304,000 and 239.2 FTE

See p. 485 - [http://www.epa.gov/sites/production/files/2015-02/documents/epa\\_fy\\_2016\\_congressional\\_justification.pdf](http://www.epa.gov/sites/production/files/2015-02/documents/epa_fy_2016_congressional_justification.pdf)

Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Karakitsos, Dimitri (EPW) [mailto:Dimitri\_Karakitsos@epw.senate.gov]  
**Sent:** Wednesday, February 17, 2016 1:40 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
**Subject:** Re: SEPW TSCA budget request

Thanks Sven - can you just give me the fy requested for 2016 as well? Not just the enacted?

No need for a call.

---

**From:** Kaiser, Sven-Erik  
**Sent:** Wednesday, February 17, 2016 1:33 PM  
**To:** Karakitsos, Dimitri (EPW)  
**Subject:** SEPW TSCA budget request

Dimitri – below are the most recent budget numbers. – See p. 502 in the Congressional Justification - <http://www.epa.gov/sites/production/files/2016-02/documents/fy17-congressional-justification.pdf>. Let me know if you want to discuss – today is bad but Wendy could do something first thing tomorrow morning if helpful.

Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

**Toxic Substances: Chemical Risk Review and Reduction**  
Program Area: Toxics Risk Review and Prevention  
Goal: Ensuring the Safety of Chemicals and Preventing Pollution  
Objective(s): Ensure Chemical Safety

(Dollars in Thousands)

	FY 2015 Actuals	FY 2016 Enacted	FY 2017 Pres Bud	FY 2017 Pres Bud v. FY 2016 Enacted
<i>Environmental Program &amp; Management</i>	<i>\$58,721.1</i>	<i>\$58,554.0</i>	<i>\$67,186.0</i>	<i>\$8,632.0</i>
Total Budget Authority / Obligations:	\$58,721.1	\$58,554.0	\$67,186.0	\$8,632.0
Total Workyears	225.1	238.7	248.7	10.0

**From:** "Karakitsos, Dimitri (EPW)" <Dimitri\_Karakitsos@epw.senate.gov>

**Date:** February 17, 2016 at 11:00:09 AM EST

**To:** Sven Kaiser <Kaiser.Sven-Erik@epamail.epa.gov>

**Subject:** TSCA budget request

Sven, I keep seeing different numbers in what you all have requested both this year and last year for TSCA (within the Chemical Risk Review and Reduction). In FY 17 for example I have seen the number \$62.4 as well as \$67.2. For FY 2016 I have seen both \$69 million and \$56.3 million.

Can you all quickly get back to me on what exactly the budget request was last year for TSCA activities (even if it is within two programs) and what it is this year?

Happy to talk with someone if it is helpful and easier to explain.

**Dimitri J. Karakitsos**  
Majority Senior Counsel  
Senate Committee on  
Environment and Public Works  
(202) 224-6176

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/26/2016 6:49:34 PM  
**To:** 'Black, Jonathan (Tom Udall)' [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** TSCA Haiku

From an EPAer:

A'Paul'd, but not shocked  
TSCA will see its day, in  
a 'Rand'about way

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

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**Sent:** 5/8/2016 4:42:58 PM  
**To:** Freedhoff, Michal (Markey) [Michal\_Freedhoff@markey.senate.gov]  
**CC:** Black, Jonathan (Tom Udall) [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** Sen. Markey TSCA TA request on PBTs (Senate edits to HLC 5.6)

Michal- this TA responds to the question on PBTs.

An alternative that would seem to preserve your policy objective but not create the implementation issues that EPA is concerned about would be to establish a one time 90 day window that runs from the date of promulgation of the later of the fees rule or RE rule. That would avoid the issue of a new 90 day window being created after the proposal for any PBT and the consequent possible delays in completing rulemaking regarding PBTs.

This TA only responds to changes since the last version at the time we were reviewing. All previously offered TA is still germane to the extent the provision has not changed since the TA was offered. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments.

Please let me know if any questions. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

On May 8, 2016, at 11:46 AM, Freedhoff, Michal (Markey) <[Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)> wrote:

I have one question on the PBT language change - apologies if I am reading your comments wrong but I'm at a kid's soccer game and don't have all my materials with me, and I won't get home until after you guys all go offline. We made that edit because there would be no manufacturer-requested RES 90 days after enactment because there would be no RE rule, no fee rule, etc. If I'm remembering that edit correctly, we thought it basically precluded the avenue from being used at all.

All clarifications welcome  
M

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight and Investigations  
Office of Senator Edward J. Markey (D-MA)

---

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/18/2016 9:29:27 PM  
**To:** 'Black, Jonathan (Tom Udall)' [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** RE: Toxic Substances Control Act Needs Reforming Now, Say DeGette and Green

thanks

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Black, Jonathan (Tom Udall) [mailto:Jonathan\_Black@tomudall.senate.gov]  
**Sent:** Wednesday, May 18, 2016 5:29 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Distefano, Nichole <DiStefano.Nichole@epa.gov>; Jones, Jim <Jones.Jim@epa.gov>  
**Subject:** FW: Toxic Substances Control Act Needs Reforming Now, Say DeGette and Green

May 18, 2016

**Contact:**  
Lynne Weil, 202-225-4431 (DeGette)  
Sharlett Mena, 202-225-1688 (Green)

## Toxic Substances Control Act Needs Reforming Now, Say DeGette and Green

**Washington, DC** – Congresswoman Diana DeGette (D-CO) and Congressman Gene Green (D-TX), leading members of the House Energy and Commerce Committee, today issued the following statement on a new bipartisan, bicameral proposal to reform U.S. chemical safety efforts under the Toxic Substances Control Act:

“For many years, we have worked to reform the Toxic Substances Control Act to direct the U.S. Environmental Protection Agency to protect Americans from harmful chemicals,” said DeGette and Green, the ranking members of the subcommittees on Oversight & Investigations and Health, respectively. “Right now, we are closer than ever before to making reform a reality. The proposal released yesterday is a clear improvement over current law and addresses the fundamental flaws of TSCA that expose the public to dangerous chemicals. It is long past time that Congress update this law, and we stand ready to work toward a final compromise that will have broad, bicameral support.”

###

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/18/2016 8:56:09 PM  
**To:** 'Black, Jonathan (Tom Udall)' [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** RE: Energy News Ticker: Advocates Decry Pallone's 'Many' Problems With Toxic Substances Bill

thanks

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Black, Jonathan (Tom Udall) [mailto:Jonathan\_Black@tomudall.senate.gov]  
**Sent:** Wednesday, May 18, 2016 4:52 PM  
**To:** Distefano, Nichole <DiStefano.Nichole@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Jones, Jim <Jones.Jim@epa.gov>  
**Subject:** Fw: Energy News Ticker: Advocates Decry Pallone's 'Many' Problems With Toxic Substances Bill

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** Morning Consult <energy@morningconsult.com>  
**Sent:** Wednesday, May 18, 2016 4:44 PM  
**To:** Black, Jonathan (Tom Udall)  
**Reply To:** Morning Consult  
**Subject:** Energy News Ticker: Advocates Decry Pallone's 'Many' Problems With Toxic Substances Bill

**Advocates Decry Pallone's 'Many' Problems With Toxic Substances Bill**

5/18/16 4:20 PM

Rep. Frank Pallone (D-N.J.) has problems with legislation to overhaul the Toxic Substances Control Act, but it's not entirely clear what they are.

Pallone and Rep. Paul...

## **EPA Wants to Increase RFS Requirements**

5/18/16 3:58 PM

The Environmental Protection Agency on Wednesday proposed increases in renewable fuel volume requirements under the Renewable Fuel Standard program.

The proposed volumes would represent growth over historic levels, according to...

## **U.S. Crude Oil Inventories Increased Last Week**

5/18/16 3:07 PM

U.S. commercial crude oil inventories increased by 1.3 million barrels from the previous week, according to data released by the Energy Information Administration on Wednesday.

Crude levels are...

## **EIA: Future Power Sector Emissions Depend on Clean Power Plan**

5/18/16 1:51 PM

If the Environmental Protection Agency's Clean Power Plan is implemented, the U.S. Energy Information Administration projects power-sector emissions in 2022 will be 28 percent lower than the...

## E&C Advances Ozone, Nuclear Bills

5/18/16 12:20 PM

The House Energy and Commerce Committee advanced a bill to reform the Environmental Protection Agency's National Ambient Air Quality Standard in a 30-23 vote on Wednesday.

The measure...

## Energy Stocks Slid Wednesday

5/18/16 4:05 PM

Investment in the energy sector dropped on Wednesday, on both the global and national level.

Investment in the U.S. energy sector was down 1.64 percent, as of 3...



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*United States*

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Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 2/17/2016 6:52:27 PM  
**To:** 'Freedhoff, Michal (Markey)' [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** Sen. Markey TSCA TA Scheduling

Ok – still on for Thurs at 4:30pm. Will push on 4(f). Please let me know if anything comes up. Best,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Freedhoff, Michal (Markey) [mailto:Michal\_Freedhoff@markey.senate.gov]  
**Sent:** Wednesday, February 17, 2016 1:50 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
**Subject:** Re: Unreasonable risk q

Ok sorry. 4:30 again works. But the 4(f) TA would still be good.

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight and Investigations  
Office of Senator Edward J. Markey (D-MA)

---

**From:** Kaiser, Sven-Erik  
**Sent:** Wednesday, February 17, 2016 1:49 PM  
**To:** Freedhoff, Michal (Markey)  
**Subject:** RE: Unreasonable risk q

checking

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Freedhoff, Michal (Markey) [mailto:Michal\_Freedhoff@markey.senate.gov]  
**Sent:** Wednesday, February 17, 2016 1:49 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
**Subject:** Unreasonable risk q

We continue to have scheduling questions about tomorrow. Do you have Friday timeslots? And could you get the 4(f) unreasonable risk TA previously requested back soon, esp if we aren't going to be able to schedule the call for tomorrow?

Thanks

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight and Investigations  
Office of Senator Edward J. Markey (D-MA)

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/26/2016 1:02:35 PM  
**To:** 'Sheehan, Leo (Tom Udall)' [Leo\_Sheehan@tomudall.senate.gov]  
**Subject:** RE: Gallery Passes

Ok – thanks. Fingers crossed on TSCA.

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Sheehan, Leo (Tom Udall) [mailto:Leo\_Sheehan@tomudall.senate.gov]  
**Sent:** Thursday, May 26, 2016 9:00 AM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
**Subject:** Re: Gallery Passes

Hello Sven-Erik, you do not need to provide us with any info. Please drop by Senator Udall's office in Hart 531 and I'll have the passes ready for you. Thank you.

---

**From:** <Kaiser>, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)>  
**Date:** Thursday, May 26, 2016 at 8:47 AM  
**To:** "Black, Jonathan (Tom Udall)" <[Jonathan\\_Black@tomudall.senate.gov](mailto:Jonathan_Black@tomudall.senate.gov)>, Leo Sheehan <[leo\\_sheehan@tomudall.senate.gov](mailto:leo_sheehan@tomudall.senate.gov)>, "Wilson-Meyer, Zoe (Tom Udall)" <[Zoe\\_Wilson-Meyer@tomudall.senate.gov](mailto:Zoe_Wilson-Meyer@tomudall.senate.gov)>  
**Subject:** RE: Gallery Passes

Zoe and Leo,  
If there's debate and vote today on TSCA, some EPA folks would be interested in viewing from the gallery. Jonathan suggested I check with you about getting gallery passes. I have about 6 folks interested in joining, actual numbers depend on the timing. Do you need any info from us? Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

On May 25, 2016, at 4:56 PM, Black, Jonathan (Tom Udall) <[Jonathan\\_Black@tomudall.senate.gov](mailto:Jonathan_Black@tomudall.senate.gov)> wrote:

In the event there is a debate and vote on TSCA tomorrow, and folks are interested in going to the gallery, please be in touch with Zoe and Leo. They can help with passes – (if EPA staff need them?)

Message

**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 2/17/2016 6:33:15 PM  
**To:** 'Karakitsos, Dimitri (EPW)' [Dimitri\_Karakitsos@epw.senate.gov]  
**Subject:** SEPW TSCA budget request

Dimitri – below are the most recent budget numbers. – See p. 502 in the Congressional Justification - <http://www.epa.gov/sites/production/files/2016-02/documents/fy17-congressional-justification.pdf>. Let me know if you want to discuss – today is bad but Wendy could do something first thing tomorrow morning if helpful.  
Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

**Toxic Substances: Chemical Risk Review and Reduction**  
Program Area: Toxics Risk Review and Prevention  
Goal: Ensuring the Safety of Chemicals and Preventing Pollution  
Objective(s): Ensure Chemical Safety

(Dollars in Thousands)

	FY 2015 Actuals	FY 2016 Enacted	FY 2017 Pres Bud	FY 2017 Pres Bud v. FY 2016 Enacted
<i>Environmental Program &amp; Management</i>	<i>\$58,721.1</i>	<i>\$58,554.0</i>	<i>\$67,186.0</i>	<i>\$8,632.0</i>
Total Budget Authority / Obligations	\$58,721.1	\$58,554.0	\$67,186.0	\$8,632.0
Total Workyears	225.1	238.7	248.7	10.0

**From:** "Karakitsos, Dimitri (EPW)" <Dimitri\_Karakitsos@epw.senate.gov>  
**Date:** February 17, 2016 at 11:00:09 AM EST  
**To:** Sven Kaiser <Kaiser.Sven-Erik@epamail.epa.gov>  
**Subject:** TSCA budget request

Sven, I keep seeing different numbers in what you all have requested both this year and last year for TSCA (within the Chemical Risk Review and Reduction). In FY 17 for example I have seen the number \$62.4 as well as \$67.2. For FY 2016 I have seen both \$69 million and \$56.3 million.

Can you all quickly get back to me on what exactly the budget request was last year for TSCA activities (even if it is within two programs) and what it is this year?

Happy to talk with someone if it is helpful and easier to explain.

**Dimitri J. Karakitsos**

Majority Senior Counsel  
Senate Committee on  
Environment and Public Works  
(202) 224-6176

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/26/2016 12:47:22 PM  
**To:** 'Black, Jonathan (Tom Udall)' [Jonathan\_Black@tomudall.senate.gov]; 'leo\_sheehan@tomudall.senate.gov' [leo\_sheehan@tomudall.senate.gov]; 'zoe\_wilson-meyer@tomudall.senate.gov' [zoe\_wilson-meyer@tomudall.senate.gov]  
**Subject:** RE: Gallery Passes

Zoe and Leo,

If there's debate and vote today on TSCA, some EPA folks would be interested in viewing from the gallery. Jonathan suggested I check with you about getting gallery passes. I have about 6 folks interested in joining, actual numbers depend on the timing. Do you need any info from us? Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

On May 25, 2016, at 4:56 PM, Black, Jonathan (Tom Udall) <[Jonathan\\_Black@tomudall.senate.gov](mailto:Jonathan_Black@tomudall.senate.gov)> wrote:

In the event there is a debate and vote on TSCA tomorrow, and folks are interested in going to the gallery, please be in touch with Zoe and Leo. They can help with passes – (if EPA staff need them?)

Message

---

**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/26/2016 1:52:20 AM  
**To:** Black, Jonathan (Tom Udall) [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** Re: Gallery Passes

Jonathan, thanks for the offer. Several members of the team expressed interest. I'll follow up in the morning. Best,  
Sven

On May 25, 2016, at 4:56 PM, Black, Jonathan (Tom Udall) <[Jonathan\\_Black@tomudall.senate.gov](mailto:Jonathan_Black@tomudall.senate.gov)> wrote:

In the event there is a debate and vote on TSCA tomorrow, and folks are interested in going to the gallery, please be in touch with Zoe and Leo. They can help with passes – (if EPA staff need them?)



Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/6/2016 3:16:41 PM  
**To:** 'Freedhoff, Michal (Markey)' [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** Sen. Markey TSCA TA Request on effective date

Michal – got it, checking. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Freedhoff, Michal (Markey) [mailto:Michal\_Freedhoff@markey.senate.gov]  
**Sent:** Friday, May 06, 2016 11:10 AM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
**Subject:** Question w effective date

Sven

Does EPA have a concern with the effective date being the date of enactment in terms of its ability to implement?

If so, how much time would you need?

M

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight and Investigations  
Office of Senator Edward J. Markey (D-MA)

**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/5/2016 9:42:30 PM  
**To:** 'McCarthy, David' [David.McCarthy@mail.house.gov]; Cohen, Jacqueline [jackie.cohen@mail.house.gov]  
**Subject:** HEC TSCA TA Request on narrative questions on implementation (HLC 5-4)

Dave and Jackie,  
This TA responds to the questions about the implementation of HLC (5-4).

**Just want to confirm with you that, as you see it whole, you think it's language that you can implement.**

Response: EPA confirms that it has not identified any major technical issues in the language that would prevent implementation. The EPA TA provided on the HLC (5-4) version flags a number of issues where clarifying edits could be made to ease implementation.

**In particular, will you know how to administer Section 5 as drafted?**

Response: Yes, EPA will know how to administer Section 5.

**Does it clearly provide that an affirmative action by EPA is needed before a manufacturer may begin manufacturing?**

Response: EPA understands the draft to require that, prior to commencement of manufacturing, EPA must (1) review PMN notices, (2) make one of four determinations, and (3) take additional actions associated with those determinations, all within the applicable review period. Inaction by EPA (including a failure to make a determination or take any of the associated actions within the applicable review period) would NOT authorize manufacturing to begin.

**Is that decision risk-based?**

Response: The affirmative determination required under Section 5(a) before a manufacturer may begin manufacturing would be risk-based.

**In Section 6 will EPA be able to implement the prioritization provision?**

Response: Yes, with the important changes made to the "low priority" category in Section 6(b)(1)(B), EPA now believes it will be able to implement the prioritization provisions.

**Are EPA's choices clear at the end of the prioritization phase?**

Response: The decisions to be made during and at the end of the prioritization process are clear to EPA: the Agency shall designate a chemical as high-priority, low-priority or low hazard. For chemicals designated as high-priority, EPA must initiate a risk evaluation. Upon completion, EPA must designate at least one additional high priority substance. Designations of low-priority or low-hazard can be revised based on new information.

**In Section 26, do you understand what your discretion and limitations are in setting, collecting, and using user fees?**

Response: Yes, EPA understands the discretion and limitations related to setting, collecting and using fees pursuant to the authorities in Section 26.

This TA only responds to changes since the last version at the time we were reviewing. All previously offered TA is still germane to the extent the provision has not changed since the TA was offered. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments.

Please let me know if any questions. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** McCarthy, David [<mailto:David.McCarthy@mail.house.gov>]  
**Sent:** Wednesday, May 04, 2016 11:58 AM  
**To:** Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)>  
**Cc:** Cohen, Jacqueline <[jackie.cohen@mail.house.gov](mailto:jackie.cohen@mail.house.gov)>  
**Subject:** confidential please

Dear Sven

Thanks for chatting just now. Later today, we expect to receive a new draft that incorporates changes to the April 22 draft we've discussed over the last couple days. When we send it to you, we think we will be asking questions such as the following: Just want to confirm with you that, as you see it whole, you think it's language that you can implement. In particular, will you know how to administer Section 5 as drafted? Does it clearly provide that an affirmative action by EPA is needed before a manufacturer may begin manufacturing? Is that decision risk-based? ? In Section 6 will EPA be able to implement the prioritization provision? Are EPA's choices clear at the end of the prioritization phase? In Section 26, do you understand what your discretion and limitations are in setting, collecting, and using user fees? As you guys know pretty much what to expect based on your extraordinary help yesterday, just wanted to give you a head-start thinking through these questions. Thanks to you, we are confident that there are no implementation stumbling blocks in the bill. I don't recall significant changes from April 22 to the sections we did not work on yesterday.

Thanks ever so much. Dave

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/26/2016 12:27:23 AM  
**To:** Freedhoff, Michal (Markey) [Michal\_Freedhoff@markey.senate.gov]  
**CC:** Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fd3eb96e8b78-Distefano,]  
**Subject:** Re: Environmental Statutes.docx

We're on it now!

On May 25, 2016, at 7:24 PM, Freedhoff, Michal (Markey) <[Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)> wrote:

Don't do anything after 9pm! Under any circumstances. Tomorrow is fine - let me know if before noon would work, and if not, also no worries.

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight and Investigations  
Office of Senator Edward J. Markey (D-MA)

---

**From:** Kaiser, Sven-Erik  
**Sent:** Wednesday, May 25, 2016 7:10 PM  
**To:** Freedhoff, Michal (Markey)  
**Cc:** Distefano, Nichole  
**Subject:** Re: Environmental Statutes.docx

Michal - I'm sorry to report that we're tapped out for the next couple of hours. What's the latest you can use the info (I can check the dates after 9pm). Thanks,  
Sven

On May 25, 2016, at 6:49 PM, Freedhoff, Michal (Markey) <[Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)> wrote:

Maybe send it to those people then? :-)

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight and Investigations  
Office of Senator Edward J. Markey (D-MA)

---

**From:** Kaiser, Sven-Erik  
**Sent:** Wednesday, May 25, 2016 6:48 PM  
**To:** Freedhoff, Michal (Markey)  
**Cc:** Distefano, Nichole  
**Subject:** Re: Environmental Statutes.docx

Got it- checking- I don't think we currently have any official historians although some might think of themselves that way.

On May 25, 2016, at 6:45 PM, Freedhoff, Michal (Markey) <[Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)> wrote:

Do you guys have a historian who can fact check this for me? in a fairly quick timeframe? The vote in question would be the conference report or the pingpong vote on the final bill version, as opposed to each chamber's vote on its respective versions?

You can see from this that TSCA may end up being among the stronger bipart votes, which is amazing given where it started.

Thanks

Michal

<Environmental Statutes.docx>

Message

---

**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/25/2016 11:10:08 PM  
**To:** Freedhoff, Michal (Markey) [Michal\_Freedhoff@markey.senate.gov]  
**CC:** Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fd3eb96e8b78-Distefano,]  
**Subject:** Re: Environmental Statutes.docx

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Sven

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Maybe send it to those people then? :-)

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight and Investigations  
Office of Senator Edward J. Markey (D-MA)

---

**From:** Kaiser, Sven-Erik  
**Sent:** Wednesday, May 25, 2016 6:48 PM  
**To:** Freedhoff, Michal (Markey)  
**Cc:** Distefano, Nichole  
**Subject:** Re: Environmental Statutes.docx

Got it- checking- I don't think we currently have any official historians although some might think of themselves that way.

On May 25, 2016, at 6:45 PM, Freedhoff, Michal (Markey) <[Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)> wrote:

Do you guys have a historian who can fact check this for me? in a fairly quick timeframe? The vote in question would be the conference report or the pingpong vote on the final bill version, as opposed to each chamber's vote on its respective versions?

You can see from this that TSCA may end up being among the stronger bipart votes, which is amazing given where it started.

Thanks  
Michal  
<Environmental Statutes.docx>

Message

---

**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/25/2016 10:48:09 PM  
**To:** Freedhoff, Michal (Markey) [Michal\_Freedhoff@markey.senate.gov]  
**CC:** Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fd3eb96e8b78-Distefano,]  
**Subject:** Re: Environmental Statutes.docx

Got it- checking- I don't think we currently have any official historians although some might think of themselves that way.

On May 25, 2016, at 6:45 PM, Freedhoff, Michal (Markey) <[Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)> wrote:

Do you guys have a historian who can fact check this for me? in a fairly quick timeframe? The vote in question would be the conference report or the pingpog vote on the final bill version, as opposed to each chamber's vote on its respective versions?

You can see from this that TSCA may end up being among the stronger bipart votes, which is amazing given where it started.

Thanks

Michal

<Environmental Statutes.docx>

Message

---

**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/5/2016 5:52:31 PM  
**To:** McCarthy, David [David.McCarthy@mail.house.gov]; Tina.Richards@mail.house.gov; JerryCouri@mail.house.gov  
**Subject:** Re: HEC TSCA TA on section 21 (HLC 5-4 version)

Line is open

On May 5, 2016, at 1:49 PM, Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)> wrote:

Dave- Please call [Ex. 6 - Personal Privacy] code [Ex. 6 - Personal Privacy] in 5 min to "go through the bubbles " Thanks

On May 5, 2016, at 1:42 PM, McCarthy, David <[David.McCarthy@mail.house.gov](mailto:David.McCarthy@mail.house.gov)> wrote:

We're ready to touch base on the bubbles when you are. [Ex. 6 - Personal Privacy]

---

**From:** Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]  
**Sent:** Thursday, May 05, 2016 01:07 PM  
**To:** McCarthy, David; Cohen, Jacqueline  
**Subject:** HEC TSCA TA on section 21 (HLC 5-4 version)

Dave and Jackie,  
Additional TA on section 21 of the HLC 5-4 version. Again, this is a version that compares HLC 5-4 to HLC 4-22. EPA's comments are only in the comment bubbles.

This TA only responds to changes since the last version at the time we were reviewing. All previously offered TA is still germane to the extent the provision has not changed since the TA was offered. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments.

Please let me know if any questions. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753



Message

---

**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/5/2016 5:49:15 PM  
**To:** McCarthy, David [David.McCarthy@mail.house.gov]  
**Subject:** Re: HEC TSCA TA on section 21 (HLC 5-4 version)

Dave- Please call [Ex. 6 - Personal Privacy] code [Ex. 6 - Personal Privacy] in 5 min to "go through the bubbles " Thanks

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**Sent:** Thursday, May 05, 2016 01:07 PM  
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Please let me know if any questions. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/5/2016 5:07:39 PM  
**To:** 'McCarthy, David' [David.McCarthy@mail.house.gov]; Cohen, Jacqueline [jackie.cohen@mail.house.gov]  
**Subject:** HEC TSCA TA on section 21 (HLC 5-4 version)  
**Attachments:** HEC.TSCA TA.HLC 5-4.section 21.docx

Dave and Jackie,  
Additional TA on section 21 of the HLC 5-4 version. Again, this is a version that compares HLC 5-4 to HLC 4-22. EPA's comments are only in the comment bubbles.

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Please let me know if any questions. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

151

1 (o) SECTION 21.—Section 21 of the Toxic Substances  
2 Control Act (15 U.S.C. 2620) is amended—

3 (1) in subsection (a), by striking “order under  
4 section 5(e) or (6)(b)(2)” and inserting “order  
5 under section 4 or 5(e) or (f)”; and ~~does this need~~

6 ~~to pull in 6(i) orders?~~

**Commented [A1]:** 5(f) is not carried through this section. Either it needs to be carried through, or it needs to be dropped from (a).

*This language is provided by EPA as technical assistance in response to a congressional request. The technical assistance is intended for use only by the requester. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments.*

6 \_\_\_\_\_ (2) in subsection (b) \_\_\_\_\_

*This language is provided by EPA as technical assistance in response to a congressional request. The technical assistance is intended for use only by the requester. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments.*

1 (A) in paragraph (1), by striking “order  
 2 under section 5(e), 6(b)(1)(A), or 6(b)(1)(B)”  
 3 and inserting “order under section 4 or 5(e) or (f)”;  
 4 and  
 5 ~~does this need to pull (B) in paragraph (4)(B)---~~  
 6 (i) in the matter preceding clause (i),  
 7 by striking “order under section 5(e) or  
 8 6(b)(2)” and inserting “order under sec-  
 9 tion 4 or 5(e)”;  
 10 (ii) in clause (i), by striking “order  
 11 under section 5(e)” and inserting “order  
 12 under section 4 or 5(e)”; and  
 13 (iii) in clause (ii), by striking “or an  
 14 order under section 6(i) orders? 6(b)(2)”.

**Commented [A2]:** See above comment about (f).

**Commented [A3]:** Again: reference to 5(e) but not (f).

**Commented [A4]:** It is correct to include only 5(e) here, because the applicable standard for judicial review here applies only to 5(e), not (f). But if (f) is to be retained in sec 21, the judicial review standard should be addressed. 5(f) could be added to 21(b)(4)(B)(ii).

**Commented [A5]:** This provision still incorporates the current TSCA section 6(a) standard – reasonable basis to conclude. . . . If not changed, this could suggest that a citizen can force EPA into section 6 rulemaking under a lower bar than the bar for EPA to initiate on our own (ie, a determination under 6(b)). Also, note that the provision could compete with the prioritization process in sec 6, by affording a mechanisms for citizens to force EPA to act on chemicals that EPA has not prioritized.

*This language is provided by EPA as technical assistance in response to a congressional request. The technical assistance is intended for use only by the requester. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments.*

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/25/2016 9:00:01 PM  
**To:** 'Black, Jonathan (Tom Udall)' [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** RE: Gallery Passes

Great – thanks. I'll check with folks on the passes.

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Black, Jonathan (Tom Udall) [mailto:Jonathan\_Black@tomudall.senate.gov]  
**Sent:** Wednesday, May 25, 2016 4:59 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
**Subject:** RE: Gallery Passes

The vote, should it happen, would be in the afternoon for sure.

Debate might begin earlier, like after 10am or so.

---

**From:** Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]  
**Sent:** Wednesday, May 25, 2016 4:59 PM  
**To:** Black, Jonathan (Tom Udall) <Jonathan\_Black@tomudall.senate.gov>  
**Subject:** RE: Gallery Passes

Ok – thanks – any sense of morning or afternoon?

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Black, Jonathan (Tom Udall) [mailto:Jonathan\_Black@tomudall.senate.gov]  
**Sent:** Wednesday, May 25, 2016 4:56 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
**Subject:** Gallery Passes

In the event there is a debate and vote on TSCA tomorrow, and folks are interested in going to the gallery, please be in touch with Zoe and Leo. They can help with passes – (if EPA staff need them?)

Message

---

**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/25/2016 8:58:42 PM  
**To:** 'Black, Jonathan (Tom Udall)' [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** RE: Gallery Passes

Ok – thanks – any sense of morning or afternoon?

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Black, Jonathan (Tom Udall) [mailto:Jonathan\_Black@tomudall.senate.gov]  
**Sent:** Wednesday, May 25, 2016 4:56 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
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Message

---

**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/4/2016 8:40:24 PM  
**To:** 'McCarthy, David' [David.McCarthy@mail.house.gov]  
**CC:** Cohen, Jacqueline [jackie.cohen@mail.house.gov]  
**Subject:** HEC TSCA TA request on 5/4 draft

Dave – checking on timing for when you need the TA. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** McCarthy, David [mailto:David.McCarthy@mail.house.gov]  
**Sent:** Wednesday, May 04, 2016 3:50 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
**Cc:** Cohen, Jacqueline <jackie.cohen@mail.house.gov>  
**Subject:** TA request

Dear Sven,

The attached draft of the TSCA compromise text incorporates changes to the April 22 draft we've discussed over the last couple days. Just want to confirm with you that, as you see it whole, you think it's language that you can implement. In particular, will you know how to administer Section 5 as drafted? Does it clearly provide that an affirmative action by EPA is needed before a manufacturer may begin manufacturing? Is that decision risk-based? In Section 6 will EPA be able to implement the prioritization provision? Are EPA's choices clear at the end of the prioritization phase? In Section 26, do you understand what your discretion and limitations are in setting, collecting, and using user fees?

Thanks so much. Dave



Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/25/2016 6:57:37 PM  
**To:** Michal\_Freedhoff@markey.senate.gov; Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fdcf3eb96e8b78-Distefano,]; Jones, Jim [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c32c4b9347004778b0a93a4cbd83fc8a-JJONES1]  
**Subject:** Fwd: pls send me the entire epa tsca team names

Michal- thanks for thinking of us. Please let me know if any questions. Best,  
Sven

- Jim Jones
- Wendy Cleland-Hamnet
- Ryan Wallace
- Priscilla Flattery
- Kevin McLean
- Brian Grant
- David Berol
- Laura Vaught
- Nichole Distefano
- Sven-Erik Kaiser
- Tristan Brown

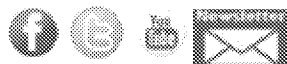
- Ryan Schmit

- Don Sadowsky  
- Scott Sherlock

**From:** "Freedhoff, Michal (Markey)" <Michal\_Freedhoff@markey.senate.gov>  
**Date:** May 25, 2016 at 2:23:35 PM EDT  
**To:** "Distefano, Nichole" <DiStefano.Nichole@epa.gov>  
**Subject:** pls send me the entire epa tsca team names

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
Office of Senator Edward J. Markey  
255 Dirksen Senate Office Building  
Washington, DC 20510  
202-224-2742

Connect with Senator Markey



Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/25/2016 5:04:13 PM  
**To:** 'Freedhoff, Michal (Markey)' [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** RE: Sen. Markey TSCA leg history request - partial RE language

Thanks – any word on when vote?

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

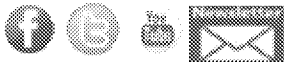
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**From:** Freedhoff, Michal (Markey) [mailto:Michal\_Freedhoff@markey.senate.gov]  
**Sent:** Wednesday, May 25, 2016 1:02 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
**Subject:** RE: Sen. Markey TSCA leg history request - partial RE language

Ty. section is a bit rewritten but have added sentiment in new placement

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
Office of Senator Edward J. Markey  
255 Dirksen Senate Office Building  
Washington, DC 20510  
202-224-2742

Connect with Senator Markey



---

**From:** Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]  
**Sent:** Wednesday, May 25, 2016 12:57 PM  
**To:** Freedhoff, Michal (Markey)  
**Subject:** Sen. Markey TSCA leg history request - partial RE language

Michal,  
This TA responds to the leg history request on partial risk evaluations. EPA suggests the following addition (in red):

Section 26(l)(4) states

“(4) CHEMICAL SUBSTANCES WITH COMPLETED RISK ASSESSMENTS.—With respect to a chemical substance listed in the 2014 update to the TSCA Work Plan for Chemical Assessments for which the Administrator has published a completed risk assessment prior to the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator may publish proposed and final rules under section 6(a) that are consistent with

the scope of the completed risk assessment for the chemical substance and consistent with other applicable requirements of section 6.”

EPA has completed risk assessments on TCE, NMP, and MC, but has not yet proposed or finalized section 6(a) rules to address the risks that were identified. During the bicameral negotiations, EPA conveyed its concern that these risk assessments were not conducted across all conditions of use of these chemical substances, since existing TSCA does not require this to be done. EPA was concerned that if it proposed 6(a) rules to regulate these substances after TITLE was enacted, the rules could be invalidated through litigation because the risk assessments did not consider all conditions of use, and additionally noted the concern, which Congress shares, that if EPA delayed its rules for these substances in order to conduct a full risk evaluation across all conditions of use that the imposition of important public health protections that are known to be needed would also be delayed. The language House-Senate negotiators included above is intended to allow EPA to proceed with the regulation of these substances if the scope of the proposed and final rules is consistent with the scope of the risk assessments conducted on these substances (even though the risk assessments did not include a consideration of all conditions of use).

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

**From:** "Freedhoff, Michal (Markey)" <[Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)>  
**Date:** May 25, 2016 at 11:29:41 AM EDT  
**To:** "Sven-Erik Kaiser ([Kaiser.Sven-Erik@epamail.epa.gov](mailto:Kaiser.Sven-Erik@epamail.epa.gov))" <[Kaiser.Sven-Erik@epamail.epa.gov](mailto:Kaiser.Sven-Erik@epamail.epa.gov)>  
**Subject:** partial RE lanaguge

Section 26(l)(4) states

“(4) CHEMICAL SUBSTANCES WITH COMPLETED RISK ASSESSMENTS.—With respect to a chemical substance listed in the 2014 update to the TSCA Work Plan for Chemical Assessments for which the Administrator has published a completed risk assessment prior to the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator may publish proposed and final rules under section 6(a) that are consistent with the scope of the completed risk assessment for the chemical substance and consistent with other applicable requirements of section 6.”

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Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
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255 Dirksen Senate Office Building  
Washington, DC 20510  
202-224-2742

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 8/26/2016 8:31:54 PM  
**To:** Hunt, Jasmine (Durbin) [Jasmine\_Hunt@durbin.senate.gov]  
**CC:** Foster, Lakecia (Durbin) [Lakecia\_Foster@durbin.senate.gov]  
**Subject:** Sen. Durbin Request on Lead Contamination

Jasmine – I'm pretty sure there's more activity underway than that. I'll check back with folks and get a response. Please let me know if any additional questions. Best,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Hunt, Jasmine (Durbin) [mailto:Jasmine\_Hunt@durbin.senate.gov]  
**Sent:** Friday, August 26, 2016 4:29 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
**Cc:** Foster, Lakecia (Durbin) <Lakecia\_Foster@durbin.senate.gov>  
**Subject:** RE: Durbin-Menendez EPA Lead Letter

Hey Sven:

Sorry to be jumping in late on this. I have been trying to help Lakecia on lead contamination issues and I was wondering if you could just clarify something for me. From the response letter it looks like EPA pledged to review its lead hazard policies in 2009 but, since then, hasn't gathered any additional data on the issue or examined the peer-reviewed literature (which overwhelmingly indicates that the safety limits should be lowered). I understand that EPA is currently looking over the data garnered from the 2012 HUD information request, but has the Agency made any other steps to reconciling the regulations with the best available science?

Thanks,  
Jasmine

Jasmine Hunt

Office of Senator Richard J. Durbin | Democratic Whip  
711 Senate Hart Office Building | ☎ 202.224.2152 | 📠 202.224.0400  
✉ [jasmine\\_hunt@durbin.senate.gov](mailto:jasmine_hunt@durbin.senate.gov)

[@SenatorDurbin](#)  
[Sign up for weekly updates from Senator Durbin](#)

---

**From:** Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]  
**Sent:** Friday, August 26, 2016 12:52 PM  
**To:** Foster, Lakecia (Durbin) <Lakecia\_Foster@durbin.senate.gov>  
**Cc:** Schatz, Rebecca (Menendez) <Rebecca\_Schatz@menendez.senate.gov>  
**Subject:** RE: Durbin-Menendez EPA Lead Letter

Lakecia,

Thanks for the reminder. Attached is an advance electronic copy of the response, along with the incoming letter from Sen. Durbin. Please let me know if any questions. Best,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Foster, Lakecia (Durbin) [[mailto:Lakecia\\_Foster@durbin.senate.gov](mailto:Lakecia_Foster@durbin.senate.gov)]  
**Sent:** Tuesday, August 23, 2016 10:13 AM  
**To:** Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)>  
**Cc:** Schatz, Rebecca (Menendez) <[Rebecca\\_Schatz@menendez.senate.gov](mailto:Rebecca_Schatz@menendez.senate.gov)>  
**Subject:** Re: Durbin-Menendez EPA Lead Letter

Sven- I wanted to follow up on this. Your last update indicated that the response could be delivered week before last.

As you may know, a story ran in the Post this morning about contaminated dirt in East Chicago, and my boss is looking for a response, which was requested almost a month ago.

When can our bosses expect a response?

Best,  
Kecia

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Message

---

**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/4/2016 6:29:08 PM  
**To:** 'Richards, Tina' [Tina.Richards@mail.house.gov]; Couri, Jerry [JerryCouri@mail.house.gov]; McCarthy, David [David.McCarthy@mail.house.gov]  
**Subject:** HEC TSCA TA request on singular/plural

Tina – this responds to the TA request below.

**Sven - could you also ask Brian (think it was his comment) where there was a singular/plural issue with the data to information change -- HLC can't find it -- thanks in advance!**

Here is what we understand to be the wording in the matter following 4(a)(1)(B), as modified by the 4/22 draft. The highlighted “are” should be “is”.

the Administrator shall by rule, or in the case of a chemical substance described in subparagraph (A)(i), by rule or order, require that testing be conducted on such substance or mixture to develop information with respect to the health and environmental effects for which there is an insufficiency of information and experience and which are relevant to a determination that the manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture, or that any combination of such activities, does or does not present an unreasonable risk of in- jury to health or the environment.

This TA only responds to changes since the last version at the time we were reviewing. All previously offered TA is still germane to the extent the provision has not changed since the TA was offered. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments.

Please let me know if any additional questions. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

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**From:** Richards, Tina [mailto:Tina.Richards@mail.house.gov]  
**Sent:** Wednesday, May 04, 2016 1:33 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
**Cc:** Couri, Jerry <JerryCouri@mail.house.gov>; McCarthy, David <David.McCarthy@mail.house.gov>  
**Subject:** Re: HEC TSCA TA request Re: Section 6(d)

One last thing - could you guys give us the explanation one more time why we need the citation to the definition of chemical substance in the nomenclature savings clause? HLC doesn't want to put "section 3(2)" in and they wanted to know the explanation and none of us could exactly recall it

On May 4, 2016, at 1:07 PM, Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov> wrote:

We think we figured it out. Cancel call request. Thanks

On May 4, 2016, at 1:01 PM, Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)> wrote:

We think it would help to do a quick call to clarify the 6(d) questions. Is 1:15pm possible?

Ex. 6 - Personal Privacy code Ex. 6 - Personal Privacy Please confirm if that works. Thanks,  
Sven

On May 4, 2016, at 12:39 PM, Richards, Tina <[Tina.Richards@mail.house.gov](mailto:Tina.Richards@mail.house.gov)> wrote:

Sven - could you also ask Brian (think it was his comment) where there was a singular/plural issue with the data to information change -- HLC can't find it -- thanks in advance!

On May 4, 2016, at 12:23 PM, Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)> wrote:

Jerry - got it - checking. Thanks,  
Sven

On May 4, 2016, at 12:10 PM, Couri, Jerry <[JerryCouri@mail.house.gov](mailto:JerryCouri@mail.house.gov)> wrote:

In talking to House Legislative Counsel, reinserting existing section 6(d)(2) could create some conflicts/overlap with new section (d)(1). Since you guys mentioned there may need to be some tweaks here, wanted to get rapid TA to clear this up and locked down.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.



Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/4/2016 5:02:44 PM  
**To:** Richards, Tina [Tina.Richards@mail.house.gov]  
**CC:** Couri, Jerry [JerryCouri@mail.house.gov]; McCarthy, David [David.McCarthy@mail.house.gov]  
**Subject:** Re: HEC TSCA TA request Re: Section 6(d)

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